

"Granting permission to Mrs. Harvey Sharp and her husband, T. J. Sharp, to bring suit against the State of Texas and/or the State Highway Department,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

WEINERT, Chairman.

Adjournment

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—18

Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Isbell	Small
Kelley	Stone
Lanning	of Galveston
Lemens	of Washington
Martin	Sulak
Moffett	Van Zandt
Moore	Weinert
	Winfield

Nays—6

Aikin	Spears
Collie	Stone
Hill	of Galveston
Nelson	

Absent

Beck	Metcalfe
Hardin	Sulak
Head	

Absent—Excused

Graves	Shivers
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The Senate, accordingly, at 3:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

SEVENTIETH DAY

(Wednesday, May 17, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Brownlee
Beck	Burns

Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalfe	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Weinert submitted the following reports of the Committee on State Affairs:

Austin, Texas,
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 465, by Nelson, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College at Lubbock, Texas, to select and lease a tract of land upon the campus of said college to the Texas National Guard Armory Board for purpose of erecting thereon an armory and other buildings to be used by Texas National Guard under provisions of Senate Bill No. 326, enacted by Regular Session of the 46th Legislature, approved May 1, 1939; providing terms of such lease contract; authorizing Board of Directors of said college to select and set aside tract of land on said campus not in excess of ten (10) acres to be used by Texas National Guard as drill ground; authorizing said Board of Directors of said college to permit Texas National Guard, and any subdivision thereof, ingress upon said campus and egress therefrom for purpose of going to and from such armory, other buildings and drill ground; providing a saving clause;

and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WEINERT, Chairman.

Austin, Texas,
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 181, by Shell, A bill to be entitled "An Act to extend for an additional period of twenty (20) years the provisions of Chapter 2, Acts of the Third Called Session of the Thirty-sixth Legislature and to amend same in other particulars so as to read and be as provided for herein and to aid the City of Aransas Pass in constructing and maintaining sea walls, breakwaters, levees, channels, and other shore protections, including wharves forming part or parts of same in order to protect said city from calamitous overflows by donating to it the five-ninths of the ad valorem taxes collected on property and from persons in San Patricio County and to aid the City of Sinton, Texas, in constructing a drainage and canal system, including ditches, breakwaters, bridge structures, and other protection necessary to both storm and sanitary drainage by donating to it three-ninths of the ad valorem taxes collected on property and from persons in San Patricio County for a period ending August 31, 1960; and providing for a penalty for misapplication of moneys thus donated; providing a saving clause; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WEINERT, Chairman.

Senate Resolution 81

Senator Metcalfe offered the following resolution:

Whereas, There is now in the City of Austin a delegation of distinguished visitors from the Republic of Chile, consisting of Dr. Emilio Tagle Prouvary, Professor, and Messrs. Fernando Arguelles Vargas, Luis Ruben Azo-

cas, Adrian Figueros Ibanez, Rafael Gonzalez Grendi, Antonio Miras Contreras, Celso Ruiz Orcos and Leon Wainer Normann, students of the National University of the Republic of Chile; and

Whereas, Said delegation is now in the hall of the Capitol. Now, therefore, be it

Resolved By the Senate of Texas, That the members of the visiting Chilean delegation be granted the privileges of the floor of the Senate and invited to address the Senate and introduced to this body in order that the Senate of Texas may extend to them an official welcome to this country.

METCALFE,
KELLEY.

The resolution was read; and on motion of Senator Metcalfe, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Accordingly, Senator Metcalfe escorted the delegation of distinguished visitors to the President's stand.

Senator Metcalfe presented Dr. Emilio Tagle Prouvary of the National University of the Republic of Chile, who addressed the Senate.

Senator Metcalfe also presented Mr. Fernando Arguelles Vargas, a student of the University of Chile, who addressed the Senate.

Senate Bill 462 on Passage to Engrossment

By unanimous consent, the President laid before the Senate, as the unfinished business, on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 462, A bill to be entitled "An Act amending Section 1, of Chapter 80, page 122, Acts of the Forty-second Legislature, Regular Session, so as to more adequately define the powers of the Governor of Texas in appointing the members of the State Commission for the Blind, and declaring an emergency."

Senator Stone of Galveston, offered the following amendment to the bill:

Amend S. B. No. 462 by striking out the following from the second sentence of quoted Sub-section 1 of Section 1 thereof:

"and who do not at the time of their appointment hold a public office or a state position of trust,"

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 462 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 462 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent

Beck	Nelson
Hill	

Absent—Excused

Graves

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brownlee	Moore
Burns	Pace
Collie	Redditt
Cotten	Roberts
Hardin	Shivers
Head	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Sulak

Van Zandt	Winfield
Weinert	

Absent

Beck	Nelson
Hill	

Absent—Excused

Graves

House Bill 1015 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1015 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1015, A bill to be entitled "An Act amending Section 4 of House Bill No. 899, Chapter 146, of the Local and Special Laws, page 572 of the Regular Session of the Thirty-third Legislature, 1913, fixing number of School Trustees in Kyle Independent School District in Hays County; repealing all laws and parts of laws, General and Special, in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 1015 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1015 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent

Beck Nelson
Hill

Absent—Excused

Graves

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent

Beck Nelson
Hill

Absent—Excused

Graves

Senate Bill 464 on Second Reading

On motion of Senator Kelley and by unanimous consent, Senate rule 48 was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 464 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 464, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Duval County; conferring upon said Court complete civil and criminal jurisdiction and general jurisdiction of the probate court due said court under the Constitution and General Laws of Texas; conforming the jurisdiction of the District and Justice Courts of said county to such change; repealing Chapter 6 of the Acts of the 43rd Legislature, First Called Session and all other laws and parts of laws in conflict with this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 464 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 464 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent

Beck Nelson
Hill

Absent—Excused

Graves

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Absent

Beck Nelson
Hill

Absent—Excused

Graves

House Bill 1085 on Second Reading

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1085 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1085, A bill to be entitled "An Act amending Section 5 of House Bill No. 955, of the Regular Session of the Forty-sixth Legislature, prescribing taxable values in certain school districts; and declaring an emergency."

The bill was read second time.

Senator Collie offered the following amendment to the bill:

Amend H. B. No. 1085, line 5 of Section 5, by striking out all of line 5 and insert in lieu thereof the following:

"Two Million, Five Hundred Thousand (\$2,500,000.00) Dollars."

The amendment was adopted.

The bill was passed to third reading.

House Bill 1085 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1085 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent

Beck
Hill

Nelson

Absent—Excused

Graves

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent

Beck
Hill

Nelson

Absent—Excused

Graves

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 17, 1939.

Hon Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House is returning the following bill to the Senate for further consideration by authority of Senate Resolution No. 80:

H. B. No. 380, A bill to be entitled "An Act applying to counties which have a population of five thousand, five hundred and eighty-six (5,586) in the Federal Census of 1930 and a scholastic population of one thousand, six hundred and ninety-four (1,694) in the scholastic year 1938-1939, and (providing exemptions relative to tax rates,) and declaring an emergency."

The House has passed the following resolutions:

S. C. R. No. 52, Requesting Governor to return Senate Bill No. 121 to the House of Representatives to make certain changes, eliminating the counties of Harris and Dallas from its provisions.

S. C. R. No. 53, Instructing Enrolling Clerk to make a correction in House Bill No. 852, inserting after the word "purposes", third line from bottom of page 5 on Engrossed Bill, the following: "Or for all purposes of a College of Arts and Industries."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Bill 688 on Passage to Third Reading

(Special Order)

The President laid before the Senate, as the unfinished special order, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

With amendment by Senator Small and amendment by Senator Weinert to the amendment pending.

Question—Shall the amendment to the amendment be adopted?

Senator Spears raised a point of order against further consideration

of the bill at this time, on the ground that H. B. No. 231 was set heretofore as a special order for a day prior to the day for which H. B. No. 288 was set as a special order, and that H. B. No. 231, therefore, should be considered and disposed of before any further consideration is had of H. B. No. 688.

The President overruled the point of order.

Motion to Take Up House Bill 231

Senator Spears moved that the further consideration of the pending special order be suspended, and that H. B. No. 231 be laid before the Senate on its second reading and passage to third reading.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Aikin	Metcalf
Brownlee	Nelson
Collie	Roberts
Graves	Shivers
Hardin	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	

Nays—10

Burns	Small
Cotten	Stone
Moffett	of Washington
Moore	Van Zandt
Pace	Weinert
Redditt	

Absent

Beck	Martin
Head	Winfield
Isbell	

Motion to Take Up House Bill 706

Senator Moore moved that the pending special order be suspended and that H. B. No. 706 be laid before the Senate on its second reading and passage to third reading.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—7

Burns	Moore
Cotten	Roberts

Shivers
Stone
of Washington

Weinert

Nays—20

Aikin	Nelson
Brownlee	Pace
Collie	Redditt
Graves	Small
Hardin	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Winfield

Absent

Beck	Isbell
Head	Martin

Question recurred — Shall the amendment by Senator Weinert to the amendment by Senator Small to H. B. No. 688 be adopted?

Message from the Governor

(Veto of Senate Bill 41)

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,
May 17, 1939.

To the Senate of the Forty-sixth Legislature:

I return herewith Senate Bill No. 41 without my approval. This Act provides for setting up a new Department of State Government called the "Texas Commission of Interstate Cooperation". I am fully convinced that the citizens of Texas want elimination and consolidation of State Departments instead of creating new Departments. Section 9 of the Act contemplates that the Legislature will make appropriations to carry on the expense of this proposed Commission. With around 17 million dollars deficit in our General Fund I cannot approve a bill setting up a new State Department which contemplates making appropriations out of a State Deficit.

W. LEE O'DANIEL,
Governor of Texas.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1046, A bill to be entitled "An Act to validate and confirm certain actions and proceedings of the Texas Old Age Assistance Commission and the Governor, Comptroller and Treasurer of the State of Texas, with respect to the authorization and issuance of warrants for Old Age Assistance under Section 51-b of Article 3 of the Constitution and contracting for the payment of interest on warrants purchased and cashed for the recipients at the request of the Commission and to the authorization and execution of interest-bearing State of Texas Treasury Certificates to be issued in exchange for warrants so purchased and to validate and confirm such warrants and certificates as a prior charge on the Texas Old Age Assistance Fund, to validate the appropriation therefor and to make other provisions relating thereto; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1058, by Kinard, A bill to be entitled "An Act creating a Special Road Law for Orange County, Texas, providing that said county or refund the indebtedness outstanding against its Road and Bridge Fund as of March 1, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, or time warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the county officials of said county in issuing said scrip or warrants; validating said scrip or war-

rants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Recess

On motion of Senator Shivers, the Senate, at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Leave of Absence Granted

Senator Head was granted leave of absence for the remainder of today on account of important business, on motion of Senator Collie.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 852, "An Act authorizing the Board of Directors of the Texas Technological College at Lubbock to lease at public auction for oil, gas, sulphur, and/or other mineral development all lands used as experimental stations and all other lands under its exclusive control; providing for the Texas Technological College Special Mineral Fund and the manner it is to be administered; providing for a permanent fund and the expenditures of the income from case prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on said land; appropriating certain moneys received between the effective date of the Act and August 31, 1939, to the use of the Texas Technological College, its branches and divisions, authorizing necessary subdivision; procuring of abstracts, and advertisement with respect to sale of said leases; provid-

ing penalty for delay in drilling; etc., and declaring an emergency."

S. B. No. 181, "An Act Amending Article 3726, Revised Civil Statutes, 1925, as amended by House Bill No. 73, First Called Session, Fortieth Legislature (relating to the admission of recorded instruments without proof); and declaring an emergency."

H. B. No. 1067, "An Act providing that the securities issued by the Texas National Guard Armory Board shall be legal and authorized investments for life insurance companies and other concerns, officials and persons, as mentioned on the Act, and for public funds, including the sinking funds of cities, school districts and other political corporations or subdivisions of said State, and that such securities shall be eligible to secure the deposit of such public funds and sufficient security to the extent of their value, for such deposits; providing that a finding of unconstitutionality of any part of this Act shall not affect the remainder, and declaring an emergency."

S. B. No. 115, "An Act amending Section 22 of S. B. No. 111, Chapter 61, passed at the Second Called Session of the Forty-first Legislature, regulating Building & Loan Associations with respect to bonds of officers and employees of Building & Loan Associations; providing that fidelity insurance policies carried by any association may be accepted in lieu of such bond or bonds; repealing laws in conflict therewith, and declaring an emergency."

S. C. R. No. 53, Authorizing certain corrections to be made in enrolled copy of H. B. No. 852.

S. C. R. No. 50, Authorizing the State Highway Department to lend certain discarded wire to Holliday Independent School District in Archer County.

S. C. R. No. 52, Recalling S. B. No. 121 on from the Governor.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 1085 by a vote of 113 yeas and 0 noes.

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill 688 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 688, to allocate to the several counties of the State a portion of the County and Road District Highway Fund, on its passage to third reading; with amendment by Senator Small and amendment by Senator Weinert to the amendment pending.

Question—Shall the amendment to the amendment be adopted?

The amendment to the amendment was adopted.

Senator Van Zandt moved to table the amendment as amended.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—14

Aikin	Martin
Beck	Moffett
Brownlee	Pace
Burns	Roberts
Hardin	Stone
Isbell	of Washington
Kelley	Van Zandt
Lanning	

Nays—16

Collie	Shivers
Cotten	Small
Graves	Spears
Hill	Stone
Lemens	of Galveston
Metcalf	Sulak
Moore	Weinert
Nelson	Winfield
Redditt	

Absent—Excused

Head

Question recurring on the amendment (as amended) yeas and nays were demanded.

The amendment (as amended) was adopted by the following vote:

Yeas—16

Collie	Shivers
Cotten	Small
Graves	Spears
Hill	Stone
Lemens	of Galveston
Metcalf	Sulak
Moore	Weinert
Nelson	Winfield
Redditt	

Nays—14

Aikin	Martin
Beck	Moffett
Brownlee	Pace
Burns	Roberts
Hardin	Stone
Isbell	of Washington
Kelley	Van Zandt
Lanning	

Absent—Excused

Head

Hour for Executive Session Set

On motion of Senator Shivers, and by unanimous consent, the Senate agreed to hold an executive session at 5:20 o'clock p. m., today, to consider nominations of the Governor.

Executive Session

The President, at 5:20 o'clock, p. m., announced that the hour fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session, and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following report:

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be Chairman of the Highway Commission (term beginning February 15, 1939):

Judge Brady P. Gentry of Tyler, Smith County,

Have had same under consideration and do recommend that he be in all things confirmed.

SHIVERS, Chairman.

Report of Conference Committee on Senate Bill 9

Senator Hardin submitted at this time the following report of the conference committee on S. B. No. 9:

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. B. No. 9, have met and beg leave to recommend that said S. B. No. 9 be passed in the form hereto attached.

Respectfully submitted,

HARDIN,
LEMENS,
BURNS,
LANNING,
METCALFE,

On the part of the Senate.

HARDIN,
ALSUP,
BROWN of Cherokee,
RHODES,
KERN,

On the part of the House.

By Hardin.

S. B. No. 9.

A BILL TO BE ENTITLED

An Act to amend Section 3 of Article 2 of ch. 495, Acts of the 44th Legislature, 3rd Called Session, by deleting therefrom sub-section (g) and to amend Section 4 of Article 2 of ch. 495, Acts 44th Legislature, 3rd Called Session; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Amend Section 3 of Article 2 of Chapter 495, Acts 1936, 44th Legislature, 3rd Called Session so as to hereafter read as follows:

"Sec. 2. The Commission may

grant financial aid to any needy person who

(a) Has attained the age of sixty-five (65) years;

(b) Is a citizen of the United States;

(c) Has resided in the State of Texas for five (5) years or more within the last nine (9) years preceding the date of his application for assistance, and has resided in the State of Texas continuously for one (1) year immediately preceding the application. The terms "residence," "residing" and "resided" as used in this Act shall denote actual physical presence within this State as distinguished from the word "domicile" and the word "residence" as used in their broader meaning.

(d) Is not at the time of receiving such aid an inmate of any public or private home for the aged, or any public or private institution of a custodial, correctional, or curative character, provided, however, that aid may be granted to persons temporarily confined in private institutions for medical or surgical care;

(e) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for such aid;

(f) Is not an habitual criminal or an habitual drunkard."

Sec. 2. Amend Section 4 of Article 2 of Chapter 495, Acts 1936, 44th Legislature, 3rd Called Session so as to hereafter read as follows:

"Sec. 4. In determining the eligibility of an applicant for assistance under this Act, it shall be the duty of the Commission to consider and take into account all facts and circumstances surrounding the applicant, including his earning capacity, and if from all the facts and circumstances the applicant does not appear to be in a needy condition, assistance shall be denied. In calculating income and resources of the applicant, the Commission shall take into account all money received by gift, devise or descent; provided that the applicant shall not be denied assistance, who does not own real estate in excess of a resident homestead, as the term "resident homestead" is defined in the Constitution and Laws of the State of Texas, and in calculating the resources of the applicant, said resident homestead shall not be considered, and provided further, the fact

that the applicant has a child or children or other relatives, except husband or wife, able to support said applicant shall not be considered in determining the applicant's eligibility for assistance, and no inquiry shall be made into the financial ability of said child or children or other relatives, except husband or wife, to support said applicant; it is further provided that assistance shall not be denied applicant, if married, who has personal property not in excess of Fifteen Hundred (\$1,500.00) Dollars and, if single, not in excess of One Thousand (\$1,000.00) Dollars. Provided that an applicant who has in excess of Three Hundred and Sixty (\$360.00) Dollars cash on hand shall not be eligible for assistance under this Act. Provided that an applicant may be carrying on his life insurance not in excess of One Thousand (\$1,000.00) Dollars and that any applicant who is carrying life insurance not in excess of One Thousand (\$1,000.00) Dollars shall not be disqualified for assistance and any accumulated cash or loan value on said life insurance policy or policies shall not be taken into consideration in calculating the resources of said applicant and aid to said applicant shall not be denied or reduced or his need minimized in any way on account of said life insurance policy or policies."

Sec. 3. The fact that, under the present law, in determining the need of an applicant for assistance, consideration is given to the ability of children and other relatives of the applicant to support said applicant, as well as to the value of residence homestead property, thereby depriving many needy persons of their right to receive aid from the State of Texas, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days be suspended, and such rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Report of Conference Committee on Senate Joint Resolution 4

Senator Moffett submitted at this time the following report of the Conference Committee on Senate Joint Resolution No. 4:

Austin, Texas,
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on Senate Joint Resolution No. 4, beg leave to submit the following report and recommend that it do pass in the form hereto attached.

Respectfully submitted,

MOFFETT,
SMALL,
SHIVERS,
ISELL,
MOORE,

On the part of the Senate.

LITTLE,
GILMER,
STINSON,
BELL,
DONAGHEY,

On the part of the House.

By Moffett.

S. J. R. No. 4.

A JOINT RESOLUTION

Proposing an amendment to Article V of the Constitution of the State of Texas giving the Legislature authority to provide for appeal direct to the Supreme Court in cases involving injunctions granted or denied on the grounds of constitutionality or unconstitutionality of any statute or on validity or invalidity or administrative orders; providing for the submission of this amendment to the voters of this State; and providing for the necessary proclamation and expenses of publication.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article V of the Constitution of the State of Texas be amended by adding thereto a new section to be known as Section 3-b, which shall read as follows:

"Section 3-b. The Legislature shall have the power to provide by law, for an appeal direct to the Supreme Court of this State from an order of any trial court granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of any statutes of this State, or on the validity or invalidity of any ad-

ministrative order issued by any State agency under any statute of this State."

Section 2. The foregoing Constitutional Amendment shall be submitted to the qualified voters of the State of Texas at the general election to be held on the 5th day of November, 1940, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

"FOR the Amendment to the Constitution of the State of Texas authorizing the Legislature to provide for appeals direct to the Supreme Court in instances involving the constitutionality of certain laws and orders."

and those opposed shall write or have printed on their ballots the words:

"AGAINST the Amendment to the Constitution of the State of Texas authorizing the Legislature to provide for appeals direct to the Supreme Court in instances involving the constitutionality of certain laws and orders."

Section 3. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution and existing laws of the State.

Section 4. The sum of Ten Thousand (\$10,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated, to pay the expenses of said publication and election.

Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 1085, "An Act amending Section 5, of House Bill No. 955, of the Regular Session of the Forty-sixth Legislature, prescribing taxable values in certain school districts; and declaring an emergency."

H. B. No. 1015, "An Act amending Section 4 of House Bill No. 899, Chapter 146 of the Local and Special Laws, page 572 of the Regular Session of the Thirty-third Legislature, 1913, fixing number of school trustees in Kyle Independent School District in Hays County; repealing all laws and parts

of laws, General and Special, in conflict herewith; and declaring an emergency."

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1030, by Daniel, A bill to be entitled "An Act amending Article 3902, Section 1, of the Revised Civil Statutes of Texas of 1925, as amended, by adding Section 1a, providing for salaries of heads of departments which may be appointed by the Commissioners Courts of Counties having a population of not less than nineteen thousand, eight hundred and fifty (19,850) and not more than nineteen thousand, eight hundred and ninety-five (19,895) inhabitants, according to the last Federal Census; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1071, by Daniel, A bill to be entitled "An Act amending Article 2351 of the Revised Civil Statutes of Texas of 1925 by adding thereto Section 16, providing that Commissioners Courts in certain counties may use county road machinery and funds from the General Fund or Road and Bridge Funds in cleaning streams and in aiding flood control when said Court decides such improvements will be of aid to the county in the maintenance and the building of county roads; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Adjournment

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Spears moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—15

Beck	Redditt
Burns	Roberts
Cotten	Shivers
Isbell	Stone
Martin	of Washington
Moffett	Van Zandt
Moore	Weinert
Pace	Winfield

Nays—14

Aikin	Lemens
Brownlee	Metcalfe
Collie	Nelson
Graves	Spears
Hardin	Stone
Hill	of Galveston
Kelley	Sulak
Lanning	

Absent

Small

Absent—Excused

Head

The Senate, accordingly, at 5:45 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 464 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 462 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 53 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 50 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 52 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 115 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
May 16, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 181
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Communications

Austin, Texas,
May 12, 1939.

Mr. W. H. Gordon
104 Highway Building
Austin, Texas

Dear Mr. Gordon:

I am directed by the Senate to re-
quest that you file with the President
of the Senate copy of the report of
the Board of County and District
Road Bond Indebtedness.

The enclosed motion was presented
by Senator Moore and unanimously
adopted by the Senate.

Very truly yours,
BOB BARKER,
Secretary of the Senate.

BOARD OF COUNTY AND DIS- TRICT ROAD INDEBTEDNESS STATE OF TEXAS AUSTIN

Julian Montgomery, Chairman
Geo. H. Sheppard, Secretary
Charley Lockhart
W. H. Gordon, Chief Accountant

May 13, 1939.

Mr. Bob Barker
Secretary of the Senate
State Capitol Bldg.
Austin, Texas.

Dear Sir:

I am in receipt of your letter of
May 12, inclosing a copy of a motion
of Senator Moore asking for a copy
of the Annual Report of this Board
to be filed with the President of the
Senate. A copy of this report has
been filed each year with the excep-
tion of the calendar year 1938. This
report has been in the hands of the
printer since March 27 and the print-
er advises that it will be about the
middle of June before he will com-
plete it. I am, however, presenting
to you our office copy of this report
as it is now in the hands of the
printer.

Very truly yours,
W. H. GORDON,
Chief Accountant.

In Memory of
Mr. John N. Sparks

Senator Martin offered the following resolution:

(Senate Resolution 82)

Whereas, On May 13, 1939, with the passing of Mr. John N. Sparks, of Fort Worth, Texas has lost one of her outstanding citizens; and

Whereas, Mr. Sparks was not only a valuable citizen in his particular section of Texas, but he devoted himself with equal energy, enthusiasm, and patriotism to questions affecting the welfare of all the people of the State; and

Whereas, The State of Texas has sustained a distinct loss in the death of Mr. Sparks, to whom so many people turned in times of stress for comfort and dependable counsel because of his understanding nature and tolerant spirit; now, therefore, be it

Resolved by the Senate of Texas, That the entire membership thereof join with the bereaved family, and the many citizens of Texas who knew this good man throughout his life, in expressing their sorrow over his passing, and say in tribute to his worthy life that he leaves a lasting impression and a keen recollection of his many useful, kind, and considerate acts during his brief span of life upon all those who had the honor and the good fortune to know him; and be it further

Resolved, That an enrolled copy of this resolution be sent to Mrs. Sparks, with the condolence of every Member of the Texas Senate.

**MARTIN,
WINFIELD.**

The resolution was read and was adopted unanimously.